

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEON NAPIER,

Plaintiff(s),

CASE NUMBER: 09-14255
HONORABLE VICTORIA A. ROBERTS

v.

JOHN DOE, Unknown Sergeant,
PATRICIA CARUSO,
STATE OF MICHIGAN,

Defendant(s).

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 29, 2009, Magistrate Judge Charles E. Binder submitted a Report and Recommendation (Doc. #12) recommending the Court *sua sponte* dismiss Plaintiff's Complaint. (Doc. #1). Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 72(b)(2), the Court **ADOPTS** the Magistrate Judge's Report and Recommendation. Plaintiff's Complaint is **DISMISSED**.

Plaintiff's motion to appoint counsel (Doc. #5) is **MOOT**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: January 15, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Leon Napier by electronic means or U.S. Mail on January 15, 2010.

s/Carol A. Pinegar _____
Deputy Clerk